

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-cr-20468
Hon. Arthur J. Tarnow

D-29 VIKAS SHARMA,
D-30 MUKESH KHUNT,
D-31 RICHARD UTARNACHITT,
D-32 RUBEN BENITO,
D-33 CARL FOWLER,
D-34 JAVAID BASHIR,
D-35 RAJAT DANIEL,
D-36 VINOD PATEL,
D-39 MICHAEL THORAN,

Defendants.

**STIPULATION PERMITTING JOINDER IN THE PREVIOUSLY FILED
MOTION TO SUPPRESS FRUITS OF ELECTRONIC SURVEILLANCE
AND PRESERVATION OF DENIAL OF SAID MOTION FOR PURPOSES OF APPEAL**

THE ABOVE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. Vikas Sharma, Mukesh Khunt, Richard Utarnachitt, Ruben Benito, Carl Fowler, Javaid Bashir, Rajat Daniel, Vinod Patel, and Michael Thoran are defendant's in the above-captioned cause, the prosecution of which is based in part upon evidence acquired through electronic surveillance conducted on cellular telephones (586) 540-7592 ("Target Telephone No. One") and (313) 434-8686 ("Target Telephone No. Two"), under the purported authority of Orders filed under Tracking Numbers 09US60019L1 through L6, signed on January 10, 2011, February 8, 2011, March 9, 2011, April 7, 2011, May 6, 2011, June 3, 2011, and July 1, 2011.

2. Defendant are “aggrieved person(s)” as defined in 18 U.S.C. § 2510(11), entitled to move for suppression of unlawfully intercepted communications under the provisions of 18 U.S.C. § 2518(10)(a).

3. On January 31, 2012, a Motion to Suppress Fruits of the aforementioned Electronic Surveillance and for an Evidentiary Hearing (R.E. 361) was filed by various defendants charged in the initial in the indictment filed by the Government on July 26, 2011 and unsealed on August 2, 2011 asking this Court to enter an Order suppressing from the evidence any and all evidence acquired in the course of the interception of wire communications under Orders bearing Tracking Numbers 09US60019L1 through L6, and evidence derived therefrom.

4. On June 14, 2012 an evidentiary hearing was held on the aforementioned Motion to Suppress Fruits of the Electronic Surveillance and on that same date an order was entered denying the aforementioned motion to suppress the fruits of electronic surveillance (R.E. 528).¹

5. The parties agree that any defendant charged in the first superseding indictment that filed a Motion to Suppress the Fruits of the Electronic Surveillance based on the same grounds alleged in the aforementioned Motion to Suppress the Fruits of the Electronic Surveillance would be bound by the court’s previous order denying said motion. The parties further agree that in lieu of requiring defendants Sharma, Khunt, Utarnachitt, Benito, Fowler, Bashir, Daniel, Patel, and Thoran to file a Motion to Suppress Fruits Electronic Surveillance based on the same grounds set forth in previously filed motion (R.E. 361), they may simply join in the previously filed motion and that the denial of

¹ In addition to the initial and motion and memorandum in support thereof, defendants filed supplemental briefs in support of said motion. (R.E. 526 and 527).

said motion is preserved for purposes of appeal. The parties agree that the entry of this stipulation will constitute joinder in the previously filed Motion to Suppress Fruits of Electronic Surveillance.

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DATED: November 5, 2013

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Defendants.

**ORDER PERMITTING JOINDER IN THE PREVIOUSLY FILED
MOTION TO SUPPRESS FRUITS OF ELECTRONIC SURVEILLANCE
AND PRESERVATION OF DENIAL OF SAID MOTION FOR PURPOSES OF APPEAL**

Pursuant to the attached stipulation:

IT IS HEREBY ORDERED that the above-captioned defendants shall be permitted to join
in the previously filed motion to suppress the fruits of electronic surveillance (docket entry # 361);

IT IS FURTHER ORDERED that the motion be and the same is hereby denied;

IT IS FURTHER ORDERED that the court's order denying the motion to suppress the
Fruits of Electronic Surveillance shall be preserved for appeal.

s/Arthur J. Tarnow
SENIOR U.S. DISTRICT JUDGE